

THURSDAY, MARCH 24, 2011

EIGHTEENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Bishop Rick Cottrell of Linden Church of God in Linden, Tennessee, a guest of Senator Herron.

PLEDGE OF ALLEGIANCE

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 63, 239, 740, 742, 877, 1153 and 1646.

MCNALLY, Chairperson
March 22, 2011

The Speaker announced that he had referred Senate Bills Nos. 63, 239, 740, 742, 877, 1153 and 1646 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 636 with amendment and 1722.

YAGER, Chairperson
March 22, 2011

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The Speaker announced that he had referred Senate Bills Nos. 636 with amendment and 1722 to the Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 777 with amendment, 1031 with amendment, 1119, 1293 with amendment, 1312 with amendment, 1446, 1537, 1569 with amendment, 1765 with amendment, 1854 with amendment and 1912 with amendment; also, recommend that Senate Bills Nos. 370 with amendment, 607 with amendment and 1788 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson
March 22, 2011

The Speaker announced that he had referred Senate Bills Nos. 777 with amendment, 1031 with amendment, 1119, 1293 with amendment, 1312 with amendment, 1446, 1537, 1569 with amendment, 1765 with amendment, 1854 with amendment and 1912 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 370 with amendment, 607 with amendment and 1788 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 256, 350 with amendment, 503, 827 with amendment and 1800 with amendment.

BEAVERS, Chairperson
March 22, 2011

The Speaker announced that he had referred Senate Bills Nos. 256, 350 with amendment, 503, 827 with amendment and 1800 with amendment to the Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1533 with amendment; also, recommend that Senate Bill No. 1541 be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson
March 23, 2011

The Speaker announced that he had referred Senate Bill No. 1533 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1541 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1142, 1271 and 1855; also recommend that Senate Bills Nos. 32 with amendment, 265, 409, 448, 813, 814, 831, 832, 1209, 1341, 1347, 1361, 1686, 1764, 1778, 1789, 1825, 1826 and 1827 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson
March 23, 2011

The Speaker announced that he had referred Senate Bills Nos. 1142, 1271 and 1855 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 32 with amendment, 265, 409, 448, 813, 814, 831, 832, 1209, 1341, 1347, 1361, 1686, 1764, 1778, 1789, 1825, 1826 and 1827 to the Committee on Finance, Ways and Means.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1055 with amendment; and Senate Joint Resolution No. 30 with amendment.

SOUTHERLAND, Chairperson
March 23, 2011

The Speaker announced that he had referred Senate Bill No. 1055 with amendment; and Senate Joint Resolution No. 30 with amendment to the Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 198, 204, 210, 212, 213 with amendment, 222 and 240 with amendment.

WATSON, Chairperson
March 23, 2011

The Speaker announced that he had referred Senate Bills Nos. 198, 204, 210, 212, 213 with amendment, 222 and 240 with amendment to the Committee on Calendar.

REFERRAL OF BILLS

Mr. Speaker Ramsey announced he had referred the following Senate Bills to the Committee on Delayed Bills: **Senate Bills Nos. 2095 and 2096.**

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 2090 through 2094 and 2097** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2090 by Senators Norris and McNally.

Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2010, and July 1, 2011.

Senate Bill No. 2091 by Senators Norris and McNally.

Appropriations -- As introduced, assigns the state employee staff responsible for the administration of the group insurance for state officials and employees to the Department of Finance and Administration; requires that grant payments under the grant assistance program for nursing home care be made monthly or quarterly instead of monthly. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 30; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senate Bill No. 2092 by Senators Norris and McNally.

Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for 2011-2012 fiscal year to exceed the index of estimated growth in the state's economy by \$200 million or 1.65 percent. Amends TCA Title 9, Chapter 4, Part 52.

Senate Bill No. 2093 by Senators Norris and McNally.

Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for 2010-2011 fiscal year to exceed the index of estimated growth in the state's economy by \$250 million or 2.15 percent. Amends TCA Title 9, Chapter 4, Part 52.

Senate Bill No. 2094 by Senators Norris and McNally.

Bond Issues -- As introduced, authorizes the state to issue and sell bonds of up to \$273 million.

Senate Bill No. 2097 by Senator Johnson.

Franklin -- As introduced, subject to local approval, designates the four at-large aldermanic positions as A,B,C, and D and requires that candidates select and designate the position being sought. Amends Chapter 79 of the Acts of 1903; as amended.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 248, 260, 347, 415, 424, 530, 550, 551, 621, 667, 670, 969, 981 and 1106** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 248 -- Sunset Laws -- As introduced, extends the council on children's mental health care, June 30, 2014. Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1.

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House Bill No. 260 -- Sunset Laws -- As introduced, extends the alcoholic beverage commission, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 57, Chapter 1, Part 1.

House Bill No. 347 -- Dickson County -- As introduced, subject to local approval, grants the county legislative body broader authority to set compensation for county highway commissioners, rather than setting a specific compensation in the charter. Amends Chapter 53 of the Private Acts of 1985.

House Bill No. 415 -- Orders of Protection -- As introduced, clarifies that order of protection issued pursuant to Title 36, Chapter 3, Part 6, may require respondent to immediately and temporarily vacate a residence shared with the petitioner pending a hearing on the matter. Amends TCA Title 36, Chapter 3, Part 6.

House Bill No. 424 -- Public Records -- As introduced, makes all records pertaining to licensure or registration by owners of security systems held or kept by a governmental entity confidential; includes all information, photos, presentations, schematics and surveys. Amends TCA Title 10, Chapter 7.

House Bill No. 530 -- County Officers -- As introduced, increases qualification for office of constable to include possessing high school diploma or GED rather than present requirement of ability to read and write. Amends TCA Title 8, Chapter 10, Part 1.

House Bill No. 550 -- Highway Signs -- As introduced, designates bridge on State Route 438 in Perry County as "Dickson Augustus Weems Memorial Bridge".

House Bill No. 551 -- Highway Signs -- As enacted, designates bridge on State Route 438 in Perry County as "Roy Bell & David O'Guin Memorial Bridge".

House Bill No. 621 -- Sunset Laws -- As introduced, extends the commission on children and youth, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 3, Part 1.

House Bill No. 667 -- Sunset Laws -- As introduced, extends the bureau of ethics and campaign finance, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 55, Part 1.

House Bill No. 670 -- Sunset Laws -- As introduced, extends the Tennessee motor vehicle commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17, Part 1.

House Bill No. 969 -- Beer -- As introduced, applies the hours for the sale of beer on Sunday to the area of the county outside of a municipality that adopts liquor-by-the-drink in a referendum, unless the county legislative body by a 2/3 vote sets the hours for the sale of beer on Sunday in areas outside such municipality. Amends TCA Title 57, Chapter 4 and Title 57, Chapter 5.

House Bill No. 981 -- Criminal Procedure -- As introduced, deletes outdated language from requirements concerning the sex offender registry. Amends TCA Section 38-6-116.

House Bill No. 1106 -- Child Custody and Support -- As introduced, makes various changes regarding child custody determination for a mobilized member of the armed forces. Amends TCA Title 36, Chapter 6.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 2088 and 2089** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 2088 Local bill -- held on desk.

Senate Bill No. 2089 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 144 through 148**; and **Senate Resolutions Nos. 24 and 25** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 144 by Senator Bell.

Memorials, Sports -- Bradley Central High School, 2011 TSSAA Dual Wrestling State Champions.

Senate Joint Resolution No. 145 by Senator Norris.

Attorney General and Reporter -- As introduced, proposes a constitutional amendment to provide for gubernatorial appointment of the attorney general with senatorial confirmation.

Senate Joint Resolution No. 146 by Senator Henry.

Memorials, Sports -- Bob Dudley Smith, Tennessee Sports Hall of Fame.

Senate Joint Resolution No. 147 by Senator Watson.

Memorials, Recognition -- University of Tennessee at Chattanooga, 125th anniversary.

Senate Joint Resolution No. 148 by Senator Watson.

Memorials, Interns -- Timothy Henshaw.

Senate Resolution No. 24 by Senator Gresham.

Memorials, Sports -- Wayne County High School girls' basketball team, Class A State Champions.

Senate Resolution No. 25 by Senator Woodson.

Memorials, Personal Occasion -- Mary Faith McCrory Marriott, 80th birthday.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 161 through 164, 167, 169, 171 and 172**; and **Senate Joint Resolutions Nos. 139 through 143** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 161 -- Memorials, Recognition -- Dr. Helen James, 2010 LESN Recognition Award, National Conference of State Legislators.

The Speaker announced that he had referred House Joint Resolution No. 161 to the Committee on Calendar.

House Joint Resolution No. 162 -- Memorials, Recognition -- Central Baptist Church of Hixson, sixtieth anniversary.

The Speaker announced that he had referred House Joint Resolution No. 162 to the Committee on Calendar.

House Joint Resolution No. 163 -- Memorials, Sports -- Jellico High School boys' basketball team.

The Speaker announced that he had referred House Joint Resolution No. 163 to the Committee on Calendar.

House Joint Resolution No. 164 -- Memorials, Sports -- South Pittsburg High School football team, 2010 Class 1A Blue Cross Bowl State Champions.

The Speaker announced that he had referred House Joint Resolution No. 164 to the Committee on Calendar.

House Joint Resolution No. 167 -- Memorials, Retirement -- Gary Wayne Hicks.

The Speaker announced that he had referred House Joint Resolution No. 167 to the Committee on Calendar.

House Joint Resolution No. 169 -- Memorials, Professional Achievement -- Reba McEntire, induction into the Country Music Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 169 to the Committee on Calendar.

House Joint Resolution No. 171 -- Memorials, Professional Achievement -- Kirk Whalum, won his first Grammy award for Best Gospel Song.

The Speaker announced that he had referred House Joint Resolution No. 171 to the Committee on Calendar.

House Joint Resolution No. 172 -- Memorials, Recognition -- Bishop James Oglethorpe Patterson, Jr., third term as Chairman of the General Assembly of the Church of God in Christ.

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The Speaker announced that he had referred House Joint Resolution No. 172 to the Committee on Calendar.

Senate Joint Resolution No. 139 -- Memorials, Death -- Dr. Mack Wayne Craig.

The Speaker announced that he had referred Senate Joint Resolution No. 139 to the Committee on Calendar.

Senate Joint Resolution No. 140 -- Memorials, Retirement -- Robert Brown.

The Speaker announced that he had referred Senate Joint Resolution No. 140 to the Committee on Calendar.

Senate Joint Resolution No. 141 -- Constitutional Amendments -- Requests the Congress of the United States to submit to the states for ratification an amendment to restrict judicial activism among federal judges.

The Speaker announced that he had referred Senate Joint Resolution No. 141 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 142 -- Constitutional Amendments -- Proposes an amendment to restrain judicial activism of state judges.

The Speaker announced that he had referred Senate Joint Resolution No. 142 to the Committee on Judiciary.

Senate Joint Resolution No. 143 -- Memorials, Sports -- Greeneville High School football team, TSSAA Class 4A State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 143 to the Committee on Calendar.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 129 -- Memorials, Death -- David Christopher Steinhice.

Senate Joint Resolution No. 130 -- Memorials, Recognition -- Tennessee Suicide Prevention Network, 10th anniversary.

Senate Joint Resolution No. 131 -- Memorials, Recognition -- Eusebia Presbyterian Church, 225th anniversary.

Senate Joint Resolution No. 132 -- Memorials, Recognition -- Bob W. Smith.

Senate Joint Resolution No. 133 -- Memorials, Death -- Leslie Harold Levinson.

Senate Joint Resolution No. 134 -- Memorials, Death -- Maxine Roberts.

Senate Joint Resolution No. 136 -- Memorials, Retirement -- H. Greeley Wells.

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Senate Joint Resolution No. 138 -- Memorials, Recognition -- Clarksville Garden Club, 90th anniversary.

Senate Resolution No. 22 -- Memorials, Professional Achievement -- Sarah Allison, McNairy County Teacher of the Year.

Senate Resolution No. 23 -- Memorials, Death -- Clinton Davis Gooch.

House Joint Resolution No. 149 -- Memorials, Sports -- 2011 TSSAA Hall of Fame inductees.

House Joint Resolution No. 150 -- Memorials, Death -- Cato Walker, III.

House Joint Resolution No. 152 -- Memorials, Public Service -- Dewayne Oldham, Westmoreland Citizen of the Year.

House Joint Resolution No. 153 -- Memorials, Recognition -- Kirby Building Systems, Tennessee SHARP Award.

House Joint Resolution No. 154 -- Memorials, Sports -- Gallatin High School boys' basketball team, District 9AAA Championship.

House Joint Resolution No. 155 -- Memorials, Retirement -- Colonel Many-Bears Grinder, Tennessee Army National Guard.

House Joint Resolution No. 157 -- Memorials, Recognition -- Mental Health Association of Middle Tennessee, 65th anniversary.

House Joint Resolution No. 158 -- Memorials, Sports -- Hancock High School girls' volleyball team.

House Joint Resolution No. 159 -- Memorials, Sports -- University of Tennessee Lady Vols basketball team, winners of Southeastern Conference Championship.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 63 -- Special License Plates -- As introduced, extends time period for meeting initial issuance requirements for T.C. Thompson Children's Hospital new specialty earmarked license plates until July 1, 2012. Amends TCA Title 55, Chapter 4.

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Senate Bill No. 239 -- Special License Plates -- As introduced, creates new specialty license plate for Historic Collierville; funds from the sale of the plates to be allocated to Main Street Collierville. Amends TCA Title 55, Chapter 4.

Senate Bill No. 740 -- County Officers -- As introduced, permits a county to pay the cost of obtaining and recording the bond required for constables. Amends TCA Title 8, Chapter 10, Part 1.

Senate Bill No. 742 -- Taxes, Personal Property -- As introduced, specifies that a personal property schedule may be amended only for certain reasons and that the failure of a taxpayer to receive the schedule would not excuse the taxpayer from filing the schedule by March 1. Amends TCA Title 67, Chapter 5.

Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CALENDAR

Senator Faulk moved that **Senate Bill No. 83** be moved one place down on the Calendar for today, which motion prevailed.

Senate Bill No. 598 -- Telecommunications -- As introduced, requires parity between the rates and rate structures applied to an entity's interstate and intrastate switched access services. Amends TCA Title 65, Chapter 5.

Senator Norris declared Rule 13 on **Senate Bill No. 598**.

Senator Ketron declared Rule 13 on **Senate Bill No. 598**.

Senator Berke declared Rule 13 on **Senate Bill No. 598**.

Senator Kyle recused himself on **Senate Bill No. 598**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting § 65-5-302(b) in Section 1 in its entirety and by substituting instead the following:

(b) Notwithstanding any law to the contrary and consistent with this part, any entity that provides switched access service shall be prohibited from imposing intrastate switched access charges that exceed the interstate switched access charges imposed by the entity,

and shall utilize the same rate structure for the provision of intrastate switched access service that the entity uses for the provision of interstate switched access service; provided, however:

(1) Until such time as rules governing the funding of the Tennessee relay service have been promulgated and have taken effect pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, and § 65-21-115, an entity may include in its intrastate switched access charges as a separate intrastate switched access rate element an additur established by the Tennessee regulatory authority for the purpose of maintaining the Tennessee relay service consistent with § 65-21-115, such amount not to exceed the additur established as of the effective date of this act;

(2) Any entity that, as of the effective date of this act, is imposing intrastate switched access charges that, on an average per minute basis, are higher than the average per minute interstate switched access charges imposed by the entity, shall, no later than April 1, 2012:

(A) Establish an intrastate switched access rate structure that is the same as its interstate switched access rate structure; and

(B) Implement revised intrastate switched access charges to effectuate a reduction of at least twenty percent (20%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act;

(3) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before April 1, 2013, implement revised intrastate switched access charges to effectuate a reduction of at least forty percent (40%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for entity on the effective date of this act;

(4) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before the April 1, 2014, implement revised intrastate switched access charges to effectuate a reduction of at least sixty percent (60%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act;

(5) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before April 1, 2015, implement revised intrastate switched access charges to effectuate a reduction of at least eighty percent (80%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act; and

(6) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before April 1, 2016, implement revised intrastate switched access charges that do not exceed the interstate switched access charges imposed by the entity.

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AND FURTHER AMEND by deleting § 65-5-302(c) in Section 1 in its entirety and by substituting instead the following language:

(c) An entity that implements an increase in an intrastate switched access rate element between February 1, 2011 and April 1, 2012, and that is transitioning its intrastate access rates as provided in subdivisions (b)(2)-(6), shall reduce such intrastate switched access rate element to the rate in effect on January 31, 2011, no later than April 1, 2012, and shall effectuate the reductions required by subdivisions (b)(2)-(6) using the average per minute intrastate switched access rate in effect for the entity on January 31, 2011, instead of the average per minute intrastate switched access rate in effect for the entity on the effective date of this act.

AND FURTHER AMEND by deleting the language "the fourth anniversary after the effective date of this act" in § 65-5-302(f) in Section 1 and by substituting instead the language "April 1, 2016,".

AND FURTHER AMEND by deleting the language "sixty (60) days following the effective date of this act" in § 65-5-302(g) in Section 1 and by substituting instead the language "April 1, 2012".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 598**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	6

Senators voting aye were: Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Barnes, Beavers, Burks, Roberts, Stewart and Summerville--6.

A motion to reconsider was tabled.

**STATEMENT OF SENATOR BILL KETRON
PURSUANT TO RULE 61**

Mr. Russell Humphrey
Chief of Staff
Tennessee State Senate
State Capitol, 2nd Floor
Nashville, TN 37243

Dear Mr. Humphrey,

Pursuant to Senate Rule 61, I am writing to provide information concerning my reasons for sponsoring and voting in favor of SB 598 / HB 574, *The Uniform Access, Competition, and Consumer Fairness Act of 2011*. I would like the record to reflect my views regarding one of the many issues that was discussed during the many weeks of testimony and debate before the committees in the Senate and the House.

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On several occasions as the bill was debated, we heard from witnesses who discussed the impact of the legislation on the telecommunications industry. Some of those witnesses referred to the concept of "carrier of last resort." This term refers to an obligation to extend a network so that a carrier is capable of providing service to all customers within a geographic area, and this concept was particularly relevant many years ago before telephone service was widely available in Tennessee. I want the record to reflect the current State of Tennessee law relating to this concept as well as important policy considerations relating to this concept.

First, as a result of the Market Regulation Act of 2009, a telecommunications provider may elect to operate with minimal regulation of its retail services in Tennessee. The Market Regulation Act includes a limitation on the ability of the Tennessee Regulatory Authority to require extensions of telephone networks. Specifically, such extensions can be ordered only consistent with the provisions of certain tariffs, and those tariffs allow for the costs of making such network extensions to be borne by the requesting customer. Accordingly, any carrier who chooses to operate under market regulation is free from any obligation to extend its network without compensation from the requesting customer.

Second, the only other manner in which "carrier of last resort" obligations are addressed by the Tennessee Code is the reference to this concept found in TCA 65-5-107. That section of the code empowers the TRA to implement a universal service support mechanism, consistent with numerous policy considerations. Although the TRA has held proceedings to consider creation of such a support mechanism, it has never found the need exists to do so.

The concept of a "carrier of last resort" is one of many features of telecommunications law, which has become out-dated as technology and competition have changed the face of the telecommunications marketplace. There is no longer a need for legal mandates requiring landline networks to expand. Today, more than 25% of Tennesseans chose to obtain telecommunications service using a wireless device – rejecting the very service that "carrier of last resort" policies were designed to deliver. Moreover, consumers in every part of Tennessee have more than one provider – using more than one type of technology – from which to choose when they buy services.

While Tennessee imposes little, if any, remaining "carrier of last resort" obligations on telecommunications providers, I am mindful that uncertainty regarding the possible application of such out-dated policies can hinder innovation and chill investment. For this reason, I wanted to clarify for the record what I learned about this issue in connection with the enactment of this bill. I also want the record to reflect my view that it is vital for Tennessee to continue updating its laws to ensure that out-dated relics of the landline, monopoly past do not create regulatory and legal obstacles to investment in the technologies of the future.

I ask that you place this letter in the record of the Senate.

Senate Bill No. 83 -- Children -- As introduced, deletes the age limitation in statute permitting mothers to publicly breastfeed only their children who are age 12 months or younger. Amends TCA Section 39-13-511 and Title 68, Chapter 58.

Senate Bill No. 83 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally,

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Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 750 -- Public Records -- As introduced, clarifies that auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and other records relating to an audit or investigation are confidential and not open for public inspection. Amends TCA Title 4, Chapter 3, Part 3 and Title 10, Chapter 7, Part 5.

Senate Bill No. 750 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 877 -- Cooperatives -- As introduced, provides for suspension of new assessments against grain producers initiated after July 1, 2011, when balance of Tennessee grain indemnity fund exceeds \$10 million. Amends TCA Title 43, Chapter 32, Part 2.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 43-32-205, is amended by deleting subsection (a) and substituting instead the following:

(a) Every commodity dealer or warehouseman required to be licensed by the department, except for commodity dealers who are incidental grain dealers, unsecured, shall be subject to this part.

SECTION 2. Tennessee Code Annotated, Section 43-32-206(a), is amended by deleting the first sentence thereof in its entirety and substituting instead the following:

Upon an affirmative vote in the referendum, the commissioner shall notify forthwith by certified mail all persons in this state engaged in the business of purchasing commodities from producers, except for purchasers who are incidental grain dealers, unsecured, that on and after the date specified in the letter, the assessment specified in § 43-32-202 shall be deducted from the producer's payment by the purchaser or the purchaser's agent or representative from the purchase price of the commodities.

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SECTION 3. Tennessee Code Annotated, Section 43-32-207, is amended by designating the current language as subsection (a) and adding a new subsection (b) as follows:

(b) Notwithstanding any other provisions of this part, any assessment initiated after July 1, 2011, shall continue until the balance of the fund is ten million dollars (\$10,000,000), at which time the assessment shall be temporarily suspended. Assessments thereafter shall be reinstated when the fund balance is less than eight million dollars (\$8,000,000).

SECTION 4. Tennessee Code Annotated, Section 43-32-210, is amended by designating the current language as subsection (a) and adding a new subsection (b) as follows:

(b) To the extent that the balance of the grain indemnity fund increases as a result of § 43-32-207(b), the maximum amount per claimant set forth in subsection (a) above shall be adjusted proportionately, so that the maximum amount per claimant shall be maintained at three and one-third percent (3⅓%) of the balance of the grain indemnity fund at the time of a failure of a commodity dealer.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 877**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 1030** be placed on the Calendar for Monday, March 28, 2011, which motion prevailed.

Senate Bill No. 1153 -- School Districts, Special -- As introduced, revises process taken if additional revenue is needed in a special school district after an adjustment of the ad valorem tax rate; specifies that present law regarding tax rates in special school districts would apply to all counties instead of only to counties with less than 50,000 people. Amends TCA Section 67-5-1704.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill and substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 67-5-1704, is amended by deleting subsection (d) in its entirety and by adding the following sentence at the end of subsection (c):

Before the board of education of the special school district requests legislation to exceed the certified rate as determined in this section, it shall first publish notice of its intent to exceed the certified rate in the manner required of cities and counties pursuant to § 67-5-1702.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1153**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 1509 -- Election Laws -- As introduced, allows city of New Market to permit nonresident property owners to vote in municipal elections upon 2/3 approval of municipal legislative body. Amends TCA Section 6-53-102.

Senate Bill No. 1509 passed its third and final consideration by the following vote:

Ayes	24
Noes	6
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Barnes, Berke, Finney, Haynes, Herron and Marrero--6.

Senators present and not voting were: Stewart and Summerville--2.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 325** be placed on the Calendar for Thursday, March 31, 2011, which motion prevailed.

Senator Watson moved that **Senate Bill No. 335** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 484 -- Hospitals and Health Care Facilities -- As introduced, provides certain protections from discovery to certain healthcare organizations and providers for activities of quality improvement committees. Amends TCA Title 68, Chapter 11 and Title 63, Chapters 1 and 6.

Senator Norris declared Rule 13 on **Senate Bill No. 484**.

Senator Overbey declared Rule 13 on **Senate Bill No. 484**.

Senator Kyle declared Rule 13 on **Senate Bill No. 484**.

Senator Finney declared Rule 13 on **Senate Bill No. 484**.

Senator Watson declared Rule 13 on **Senate Bill No. 484**.

Senator Crowe declared Rule 13 on **Senate Bill No. 484**.

Senator Barnes declared Rule 13 on **Senate Bill No. 484**.

Senator Faulk declared Rule 13 on **Senate Bill No. 484**.

Senator Berke recused himself on **Senate Bill No. 484**.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Sections 1 through 5 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-219, is amended by deleting the section in its entirety.

SECTION 2. This Act shall be known and may be cited as the "Tennessee Patient Safety and Quality Improvement Act of 2011".

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

68-11-272.

(a) It is the policy of the State of Tennessee to encourage the improvement of patient safety, the quality of patient care and the evaluation of the quality, safety, cost, processes and necessity of healthcare services by hospitals, healthcare facilities and healthcare providers. Tennessee further recognizes that certain protections must be available to these entities to ensure that they are able to effectively pursue these measures.

(b) As used in this section:

(1) "Healthcare organization" means any:

(A) Healthcare facility licensed or regulated under Title 68 and any related system;

(B) Hospital licensed under Title 68 and any related hospital system;

(C) Hospital licensed under Title 33 and any related hospital system;

(D) Entity owning, owned by, affiliated with or providing ancillary or allied health services to, or on behalf of, a hospital, hospital system, or healthcare facility licensed or regulated under Title 68;

(E) Entity that contracts with a healthcare organization to perform any of the functions of a quality improvement committee;

(F) Entity that maintains a patient safety evaluation system in compliance with the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended, for reporting to a patient safety organization listed as such by the federal secretary of health and human services pursuant to § 924 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended;

(G) Professional assistance program providing, or attempting to provide, intervention, counseling, referral or other assistance to any healthcare provider or family of a healthcare provider directly related to and including the alcohol or drug impairment of a healthcare provider;

(H) Professional healthcare foundation;

(I) Health maintenance organization, preferred provider organization, hospital and medical service corporation, or accountable care organization as defined by § 3022 of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended; or

(J) University medical school or health science center.

(2) "Healthcare provider" means any healthcare professional licensed, authorized, certified or regulated under Title 63 or Title 68, including but not limited to medical resident physicians, interns, and fellows participating in a training program of one of the accredited medical schools or of one of such medical school's affiliated teaching hospitals in Tennessee, or any other clinical staff of a healthcare organization;

(3) "Hospital system" means two (2) or more hospitals that are subject to the control and direction of one (1) common owner, or an entity under a management contract, responsible for the operational decisions of the entire system or that have integrated administrative functions and medical staff that report to one (1) governing body as the result of a formal legal or contractual obligation;

(4) "Quality Improvement Committee" or "QIC" means a committee formed or retained by a healthcare organization, an activity of a healthcare organization, or one (1) or more individuals employed by a healthcare organization performing the types of functions listed below, the purpose of which, or one (1) of the purposes of which is to evaluate the safety, quality, processes, costs, appropriateness or necessity of healthcare services by performing functions including, but not limited to:

(A) Evaluation and improvement of the quality of healthcare services rendered;

(B) Determination that health services rendered were professionally indicated or were performed in compliance with the applicable standards of care;

(C) Determination that the cost of health care rendered was reasonable;

(D) Evaluation of the qualifications, credentials, competence and performance of healthcare providers or actions upon matters relating to the discipline of any individual healthcare provider;

(E) Reduction of morbidity or mortality;

(F) Establishment and enforcement of guidelines designed to keep the cost of health care within reasonable bounds;

(G) Research;

(H) Evaluation of whether facilities are being properly utilized;

(I) Supervision, education, discipline, admission, and the determination of privileges of healthcare providers;

(J) Review of professional qualifications or activities of healthcare providers;

(K) Evaluation of the quantity, quality and timeliness of healthcare services rendered to patients;

(L) Evaluation, review or improvement of methods, procedures or treatments being utilized;

(M) Participation in utilization review activities, including participation in review activities within the facility or hospital system and activities in conjunction with an insurer or utilization review agent under Title 56, Chapter 6, Part 7;

(N) The evaluation of reports made pursuant to § 68-11-211 and any internal reports related thereto or in the course of a healthcare organization's patient safety and risk management activities;

(O) Activities to determine the healthcare organization's compliance with state or federal regulations;

(P) Participation in patient safety activities as defined at § 921 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended;

(5) "Records" means records of interviews and all reports, incident reports, statements, minutes, memoranda, charts, statistics, evaluations, critiques, test results, corrective actions, disciplinary actions, and any and all other documentation generated by or in connection with activities of a QIC and any patient safety work product as defined at § 921 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended.

(c)(1) Records of a QIC and testimony or statements by a healthcare organization's officers, directors, trustees, healthcare providers, administrative staff, employees or other committee members or attendees relating to activities of the QIC shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena or admission into evidence in any judicial or administrative proceeding. Any person who supplies information, testifies or makes statements as part of a QIC may not be required to provide information as to the information, testimony or statements provided to or made before such a committee or opinions formed by such person as a result of committee participation, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

(2) Any information, documents or records, which are not produced for use by a QIC or which are not produced by persons acting on behalf of a QIC, and are otherwise available from original sources, shall not be construed as immune from discovery or use in any judicial or administrative proceeding merely because such information, documents or records were presented during proceedings of such committee.

(d) No healthcare organization's officers, director, trustee, healthcare providers, administrative staff, employee or other committee members or attendees shall be held liable in any action for damages or other relief arising from the provision of information to a QIC or in any judicial or administrative proceeding.

(e) Nothing in this section shall conflict with any federal protection of records provided under the federal Health Care Quality Improvement Act or the federal Patient Safety Act.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

63-1-150.

(a) This section shall not apply to §§ 63-10-402 - 405; 63-9-114; 63-4-118; 63-11-220; 63-5-131; 63-12-138; and 68-11-272.

(b) It is the policy of the State of Tennessee to encourage the improvement of patient safety and quality and the evaluation of the quality, cost, processes and necessity of healthcare services by healthcare providers and by other entities. Tennessee further recognizes that certain protections must be available to these providers and entities to ensure that they are able to effectively pursue these measures.

(c) As used in this section:

(1) "Healthcare organization" means any:

(A) State or local health professional association or society;

(B) Professional assistance program providing, or attempting to provide, intervention, counseling, referral or other assistance to any healthcare provider or family of a healthcare provider directly related to and including the alcohol or drug impairment of a healthcare provider;

(C) Healthcare provider malpractice support group;

(D) Group practice that is engaged in the provision of healthcare services;

(E) Entity engaged in the provision of healthcare provider services or healthcare provider staffing to licensed healthcare entities, including hospitals;

(F) Professional healthcare foundation;

(G) Individual practice association made up of practices the members of which are engaged in the provision of health care;

(H) Health maintenance organization, preferred provider organization, hospital and medical service corporation, or accountable care organization as defined by § 3022 of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended;

(I) Entity that contracts with a healthcare organization to perform any of the functions of a quality improvement committee;

(J) Any patient safety organization listed as such by the federal secretary of health and human services pursuant to § 924 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended; or

(K) University medical school or health science center.

(2) "Healthcare provider" means any healthcare professional licensed, authorized, certified or regulated under Title 63, including but not limited to medical resident physicians, interns, and fellows participating in a training program of one of the accredited medical schools or of one of such medical school's affiliated teaching hospitals in Tennessee, or any other clinical staff of a healthcare organization;

(3) "Quality improvement committee" or "QIC" means a committee formed by a healthcare organization, an activity of a healthcare organization, or one (1) or more individuals employed by a healthcare organization performing the types of functions listed below, the purpose of which, or one (1) of the purposes of which is to evaluate the safety, quality, processes, costs, appropriateness, or necessity of healthcare services by performing functions including, but not limited to:

(A) Evaluation and improvement of the quality of healthcare services rendered;

(B) Determination that health services rendered were professionally indicated or were performed in compliance with applicable standards of care;

(C) Determination that the cost of health care rendered was considered reasonable;

(D) Evaluation of the qualifications, credentials, competence and performance of healthcare providers or action upon matters relating to the discipline of any individual healthcare provider;

(E) Reduction of morbidity or mortality;

(F) Establishment and enforcement of guidelines designed to keep the cost of health care within reasonable bounds;

(G) Research;

(H) Evaluation of whether facilities are being properly utilized;

(I) Supervision, education, discipline, admission, and the determination of privileges of healthcare providers;

(J) Review of professional qualifications or activities of healthcare providers;

(K) Evaluation of the quantity, quality and timeliness of healthcare services rendered to patients;

(L) Evaluation, review or improvement of methods, procedures or treatments being utilized;

(M) Intervention, support or rehabilitative referrals or services to healthcare providers;

(N) Evaluation as to whether to report an unusual incident pursuant to § 63-6-221 or § 63-9-117 or to evaluate and improve the quality of health care rendered by healthcare providers related to the submission of an unusual incident report;

(O) Activities to determine the healthcare organization's compliance with state or federal regulations; or

(P) Participation in utilization review activities, including participation in review activities within the healthcare organization and activities in conjunction with an insurer or utilization review agent under Title 56, Chapter 6, Part 7; and

(4) "Records" means records of interviews and all reports, incident reports, statements, minutes, memoranda, charts, statistics, evaluations, critiques, test results, corrective actions, disciplinary actions and any and all other documentation generated in connection with the activities of a QIC.

(d)(1) Records of a QIC and testimony or statements by a healthcare organization's officers or directors, healthcare providers, administrative staff, employees or other committee members or attendees relating to activities of the QIC shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena or admission into evidence in any judicial or administrative proceeding. Any person who supplies information, testifies or makes statements as part of a QIC may not be required to provide information as to the information, testimony or statements provided to or made before such a committee or opinions formed by such person as a result of committee participation, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

(2) Any information, documents or records, which are not produced for use by a QIC or which are not produced by persons acting on behalf of a QIC, and are otherwise available from original sources, shall not be construed as immune from discovery or use in

any judicial or administrative proceedings merely because such information, documents or records were presented during proceedings of such committee.

(e) No healthcare organization's officers or directors, healthcare providers, administrative staff, employees or other committee members or attendees shall be held liable in any action for damages or other relief arising from the provision of information to a QIC or in any judicial or administrative proceeding.

(f) A professional assistance program also advocates for healthcare professionals before other QICs, healthcare entities, private and governmental insurance carriers, national or local certification and accreditation bodies, and the state health-related boards of this or any other state. The disclosure of confidential, privileged QIC information to such entities during advocacy or as a report to the health-related boards, or to the affected healthcare provider under review, does not constitute either a waiver of confidentiality or privilege.

SECTION 5. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to that end the provisions of this section are declared to be severable.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting from subdivision (b)(1) of the amendatory language of Section 3 the word "Heath" and by substituting instead the word "Health".

AND FURTHER AMEND by deleting from the second sentence of subdivision (c)(1) of the amendatory language of Section 3 the language ", if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist".

AND FURTHER AMEND by adding in subsection (d) the following immediately after the word "proceeding" in the amendatory language of Section 3:

, if such information is provided in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist

AND FURTHER AMEND by adding to subsection (b) of the amendatory language of Section 4 the word and punctuation "safety", between the language "quality", and "cost".

AND FURTHER AMEND by adding immediately after the word "formed" in subdivision (c)(3) of the amendatory language of Section 4 the words "or retained".

AND FURTHER AMEND by adding in the first sentence subdivision (d)(1) of the amendatory language of Section 4 the word and punctuation "trustees", between the language "directors", and "health".

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AND FURTHER AMEND by deleting from the second sentence of subdivision (d)(1) of the amendatory language of Section 4 the language ", if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist".

AND FURTHER AMEND by deleting from subsection (e) of the amendatory language of Section 4 the language "officers, or" in the first line and by substituting instead the word and punctuation "officers, trustees".

AND FURTHER AMEND by adding the following language immediately after the word "proceeding" in subsection (e) of the amendatory language of Section 4:

, if such information is provided in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 484**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 922 -- Election Laws -- As introduced, eliminates early voting period for a municipal election in a municipality having a population of 5,000 or less, if there is no opposition for any office in the election and the election is held on a date which does not coincide with the August or November general election unless the municipality files a request with the County Election Commission for the early voting period to apply. Amends TCA Title 2, Chapter 6.

Senator Yager moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Beavers moved that Amendment No. 2 be placed behind Amendment No. 4, which motion prevailed.

On motion of Senator Kyle, Amendment No. 3 was withdrawn.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting all language following the enacting clause and by substituting instead the following language:

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SECTION 1. Tennessee Code Annotated, Section 2-6-102(b), is amended by deleting subsection (b) and substituting instead the following:

(b) In the case of a municipal election not held in conjunction with any primary election, the regular August or November general elections, or any special primary or special general election for state or federal offices, if there is no opposition, including any write-in candidate that has filed the appropriate notice pursuant to § 2-7-133(i), for any of the offices involved, there shall not be an early voting period.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Senator Henry moved that Amendment No. 5 be placed behind Amendment No. 1, which motion prevailed.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 5

AMEND by deleting the language in Section 1 of the bill as amended by Senate Amendment No. 1:

This subsection (b) shall not apply to municipal elections held in any county that has a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census.

and substituting instead the language:

This subsection (b) shall not apply to municipal elections held in any city having a metropolitan form of government and a population of over three hundred thousand (300,000), according to the 2000 federal census or any subsequent federal census.

Senator Beavers moved that **Senate Bill No. 922**, as amended, be placed on the Calendar for Monday, March 28, 2011, which motion prevailed.

Senator Norris moved that **Senate Bill No. 935** be placed on the Calendar for Thursday, March 31, 2011, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 105 -- General Assembly, Studies -- As introduced, changes the reporting deadline of the special joint committee to study the capping of utility rates for senior citizens from February 1, 2011, to April 1, 2011. Amends Chapter 1071 of the Public Acts of 2010.

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HOUSE AMENDMENT NO. 1

AMEND by deleting the language "April 1, 2011" in Section 1 and substituting instead the language "June 1, 2011".

Senator Burks moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 105**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 339 -- Livestock -- As introduced, limits liability of a bovine owner for injuries, loss, damage or death of another resulting from bovine activities if the bovine owner maintains proper warning notice on signs, and maintains proper fences and enclosures. Amends TCA Title 29; Title 43 and Title 44.

Senator Herron declared Rule 13 on **Senate Bill No. 339**.

HOUSE AMENDMENT NO. 1

AMEND by deleting amendatory subdivision (a)(3) in 44-21-103 in Section 1 in its entirety and by substituting instead the following language:

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the person, and that act or omission caused the injury, loss, damage, or death.

Senator Tracy moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 339**.

Senator Herron moved to substitute a motion to nonconcur for the motion to concur.

Senator Tracy moved that **Senate Bill No. 339** be placed on the Message Calendar for Thursday, March 31, 2011, which motion prevailed.

MOTION

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 171**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 171 -- Memorials, Professional Achievement -- Kirk Whalum, won his first Grammy award for Best Gospel Song.

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On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 171** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 172**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 172 -- Memorials, Recognition -- Bishop James Oglethorpe Patterson, Jr., third term as Chairman of the General Assembly of the Church of God in Christ.

On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 172** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 477** on the calendar for the Committee on State and Local Government for Tuesday, March 29, 2011, which motion prevailed.

MOTION

Senator Norris moved that the Proposed Schedule for the week of March 28, 2011, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 28, 2011**

MONDAY – March 28

5:00 p.m. Session – Senate Chamber

TUESDAY – March 29

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee (Tax Sub will meet immediately following)
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch

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1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – March 30

8:30 a.m. – 10:30 a.m.	Education Committee
10:30 a.m. – 12:30 p.m.	General Welfare, Health & Human Resources Committee
12:30 a.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Transportation Committee
3:30 p.m. – 5:00 p.m.	Environment, Conservation & Tourism Committee

THURSDAY – March 31

9:00 a.m.	Session – Senate Chamber
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NOTE: Council on Pensions and Insurance, Monday, March 28, 2011, at 1:00 p.m., Room 29 LP.

Joint Government Operations rule review meeting, Monday, March 28, 2011, at 1:30 p.m., Room 30 LP.

Ad Hoc Committee on Senate District 15 Election Contest, Monday, March 28, 2011, 2:00 p.m., Room 12 LP.

Government Operations Joint Education Subcommittee, Monday, March 28, 2011, at 2:30 p.m., Room 30 LP.

Pre-Commerce meeting, Tuesday, March 29, 2011, at 7:30 a.m., in 12 LP.

Ad Hoc Committee on Senate District 15 Election Contest, Thursday, March 31, 2011, 10:30 a.m., Room 12 LP.

The Senate Government Operations Committee will not meet this week.

RECALL OF BILL

On motion of Mr. Speaker Ramsey, **Senate Bill No. 1414** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Mr. Speaker Ramsey, Senate Bill No. 1414 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Overbey, **Senate Bill No. 918** was recalled from the Committee on Commerce, Labor and Agriculture.

WITHDRAWAL OF BILL

On motion of Senator Overbey, Senate Bill No. 918 was withdrawn from the Senate.

MOTION

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 63**.

On motion of Senators Kelsey and Ford, their names were added as sponsors of **Senate Bill No. 83**.

On motion of Senators Marrero and Tate, their names were added as sponsors of **Senate Bill No. 239**.

On motion of Senators Barnes, Beavers, Berke, Southerland and Yager, their names were added as sponsors of **Senate Bill No. 523**.

On motion of Senators Berke and Barnes, their names were added as sponsors of **Senate Bill No. 577**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 578**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 598**.

On motion of Senators Norris and Barnes, their names were added as sponsors of **Senate Bill No. 877**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bill No. 1408**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bills Nos. 1563, 1564 and 1778**.

On motion of Senator Faulk, his name was added as prime sponsor of **Senate Bill No. 1573**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 1573**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1996**.

On motion of Senators Haynes, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 134**.

On motion of Senators Overbey, Stewart and Tracy, their names were added as sponsors of **House Joint Resolution No. 149**.

On motion of Senator Ford, her name was added as sponsor of **House Joint Resolution No. 150**.

On motion of Senator Haynes, his name was added as sponsor of **House Joint Resolution No. 154**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 155**.

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On motion of Senators Haynes, Harper, Marrero and Ford, their names were added as sponsors of **House Joint Resolution No. 157**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolution No. 158**.

On motion of Senators Overbey, Faulk, Beavers, Haynes, Stewart, Harper, Tracy, Marrero, Berke, Herron and Kyle, their names were added as sponsors of **House Joint Resolution No. 159**.

On motion of Senators Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 171**.

On motion of Senators Ford, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 172**.

ENGROSSED BILLS

March 24, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 63, 83, 239, 484, 598, 740, 742, 750, 877, 1153 and 1509; and Senate Joint Resolutions Nos. 129, 130, 131, 132, 133, 134, 136 and 138; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 146, 249 and 1656; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 168 and 170, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 18, 161 and 215; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 379 and 990, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 807 and 850, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 931, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1050, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 135 and 137, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

March 24, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 18, 105, 161, 215, 379, 807, 850, 931, 990 and 1050; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 24, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 135 and 137, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 24, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 22 and 23, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 23, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 596, 681, 983 and 1654; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 23, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 149, 150, 152, 153, 154, 155, 157, 158, 159, 171 and 172; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

March 24, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 135 and 137.

SIGNED

March 24, 2011

The Speaker announced that he had signed the following: Senate Resolutions Nos. 22 and 23.

SIGNED

March 24, 2011

The Speaker announced that he had signed the following: House Bills Nos. 596, 681, 983 and 1654.

SIGNED

March 24, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 149, 150, 152, 153, 154, 155, 157, 158, 159, 171 and 172.

MESSAGE FROM THE HOUSE

March 23, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 59, 87, 158, 218, 288, 301, 459, 519 and 1467; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 24, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 135 and 137, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

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REPORT OF CHIEF ENGROSSING CLERK

March 23, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 59, 87, 158, 218, 288, 301, 459, 519 and 1467; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 24, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 135 and 137, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 24, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 27, 29, 91, 179, 186, 190, 458 and 462; and Senate Joint Resolutions Nos. 112, 113, 117, 120 and 124; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 24, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 137, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 28, 2011: House Joint Resolutions Nos. 161, 162, 163, 164, 167 and 169; Senate Joint Resolutions Nos. 139, 140 and 143.

This the 24th day of March, 2011.
MIKE FAULK, Chairperson.

THURSDAY, MARCH 24, 2011 -- 18TH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 28, 2011: Senate Bills Nos. 204, 210, 212, 222, 503, 1119, 1142, 1271, 1446, 1537 and 1855.

This the 24th day of March, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 28, 2011: Senate Bills Nos. 213, 240, 350, 1055, 1293, 1312, 1533, 1569, 1765, 1800 and 1912; Senate Joint Resolution No. 30; and Senate Bills Nos. 829, 922 and 1030.

This the 24th day of March, 2011.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 28, 2011, which motion prevailed.